

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LINDA POPLAWSKI,

Plaintiff,

V.

ERIC PEDERSEN, et al,

Defendants.

No. 2:18-cv-01704-BJR

2nd STIPULATION AND ORDER
AMENDING CASE SCHEDULE

STIPULATION

For good cause shown and with the Judge's consent, the Court may modify the deadlines in the scheduling order. Fed. R. Civ. P. 16(b)(4); *see also* LCR 16(b)(5). The "good cause" standard primarily considers the diligence of the party seeking the amendment: the district court may modify the pretrial schedule if it cannot reasonably be met despite the diligence of the party seeking the extension. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992) (citing Fed. R. Civ. P. 16 advisory committee's notes (1983 amendment)). Although the existence or degree of prejudice to the opposing party might supply additional considerations for a motion to modify, the focus remains on the moving party's reasons for seeking modification. *See also Johnson*, 975 F.2d at 609 (internal citation omitted).

On January 23, 2019, the Court issued its case schedule order, which established July 29,

1 2019 as the date for disclosure of expert testimony under Fed. R. Civ. P. 26(a)(2). (Dkt. # 16.)

2 The Court set the discovery cut-off for August 28, 2019 and the dispositive motion filing

3 deadline for September 27, 2019. (*Id.*) Trial is scheduled for February 24, 2020. (*Id.*) The

4 Court's scheduling order will only be amended for good cause shown. (*Id.* at 2; LCR 16(b)(5).)

5 On July 15, 2019, the court entered a stipulated order amending the case schedule for short
6 delays of the deadlines for expert reports, all other discovery, and dispositive motions to
7 accommodate scheduling difficulties created by Ms. Poplawski's unforeseen medical
8 unavailability. (Dkt. #21). The remainder of the deadlines were left unchanged from the court's
9 original case schedule.

10 Anticipating satisfying the current deadline for the exchange of expert reports, the parties
11 seek to amend the current remaining deadlines by about two and a half months to accommodate
12 ongoing settlement negotiations. The parties are currently scheduled for mediation before the
13 Honorable Sharon Armstrong on October 3, 2019. Allowing that process to proceed without the
14 need to satisfy additional deadlines immediately would potentially save considerable time and
15 money, and resources for the parties and for the court.

16 IT IS HEREBY STIPULATED AND AGREED between the undersigned parties, through
17 their respective counsel of record, that good cause exists to amend certain case scheduling
18 deadlines as set forth below:
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JURY TRIAL	May 4, 2020
Discovery completed by	November 8, 2019
All dispositive motions must be filed by	November 22, 2019
All motions <i>in limine</i> must be filed by	March 3, 2020

1 Joint Pretrial Statement	March 9, 2020
2 Pretrial conference	April 20, 2020

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4 RESPECTFULLY SUBMITTED this 27th day of August, 2019.

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6 CARNEY GILLESPIE ISITT, PLLP

7 By /s/ Sean P. Gillespie
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18 **ORDER**

19 Based upon the foregoing Stipulation, the Court finds that good cause exists to amend the
20 case schedule order as set forth in the Stipulation.

21 DATE: August 29, 2019

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23 HONORABLE BARBARA J. ROTHSTEIN
24 United States District Court Judge

CERTIFICATE OF SERVICE

I certify that on August 27, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties.

s/Sean Gillespie

Sean Gillespie